

# **Exhibit L**

**to**  
**Webb Declaration**

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**Webb Declaration**

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

IN RE CATHODE RAY TUBE (CRT)  
 ANTITRUST LITIGATION

Case No. C07-5944 SC

**MDL NO. 1917**

Judge: Hon. Samuel Conti

Special Master: Hon. Charles A. Legge (Ret.)

This Document Relates To:  
 ALL INDIRECT PURCHASER ACTIONS

**DEFENDANT HITACHI AMERICA,  
 LTD.'S OBJECTIONS AND  
 RESPONSES TO FIRST SET OF  
 REQUESTS FOR PRODUCTION OF  
 DOCUMENTS FROM INDIRECT  
 PURCHASER PLAINTIFFS**

PROPOUNDING PARTY: INDIRECT PURCHASER PLAINTIFFS  
 RESPONDING PARTY: HITACHI AMERICA, LTD.  
 SET NUMBER: ONE (Nos. 1-6 [sic] 47-52)

Defendant Hitachi America, Ltd. ("Responding Party") hereby timely objects and responds to Indirect Purchaser Plaintiffs' ("Plaintiffs" or "Requesting Party") First Request for Production of Documents from Defendants ("Document Requests") served on May 26, 2010, and each document request set forth therein ("Responses"), as follows.

**GENERAL OBJECTIONS**

1  
2           1.       Responding Party's responses are based upon information and writings available  
3 to and located by Responding Party as of the date of service of these Responses. Responding  
4 Party has not completed its investigation of the facts relating to the Document Requests, and all of  
5 the information supplied and documents and things produced are based only on such information  
6 and documents that are reasonably available and specifically known to Responding Party as of the  
7 date of service of its response.

8           2.       No express, incidental or implied admissions are intended by these Responses.  
9 The fact that Responding Party agrees to provide information in response to a particular request is  
10 not intended and shall not be construed as an admission that Responding Party accepts or admits  
11 the existence of any such information set forth in or assumed by such request, or that any such  
12 information and/or document constitutes admissible evidence. The fact that Responding Party  
13 agrees to provide information in response to a particular request is not intended and shall not be  
14 construed as a waiver by Responding Party of any part of any objection to such request or any  
15 part of any general objection made herein.

16           3.       Responding Party reserves the right to change, amend, or supplement its objections  
17 at a later date. If Plaintiffs assert an interpretation of any aspect of the Document Requests or any  
18 of the requests therein that is different from that made by Responding Party, Responding Party  
19 reserves the right to supplement its objections if such interpretations made by Plaintiffs are held  
20 to be applicable.

21           4.       Responding Party objects to the Document Requests, and each request therein, to  
22 the extent they are vague, ambiguous, or contain terms that are insufficiently defined.

23           5.       Responding Party objects to the Document Requests, and each request therein, as  
24 overly broad, unduly burdensome, oppressive and beyond the proper scope of discovery.

25           6.       If multiple, identical copies of any document are responsive to the requests herein,  
26 only one representative copy will be produced. Producing more than one identical copy is unduly  
27 burdensome and oppressive.

1           7.       Responding Party objects to the Document Requests, and each request therein, to  
2 the extent they seek documents and materials on matters not relevant to the subject matter of this  
3 action, not admissible in evidence, and not reasonably calculated to lead to the discovery of  
4 admissible evidence.

5           8.       Responding Party objects to the Document Requests, and each request therein, to  
6 the extent they seek to impose on it discovery obligations inconsistent with, or not authorized  
7 under, the Federal Rules of Civil Procedure or the Federal Rules of Evidence.

8           9.       Responding Party objects to the Document Requests, and to each request therein,  
9 to the extent they seek to impose on it discovery obligations inconsistent with, or not authorized  
10 under, the Local Rules of the United States District Court in and for the Northern District of  
11 California (the "Local Rules").

12          10.       Responding Party objects to the Document Requests, and to each request therein,  
13 to the extent they seek to impose on it discovery obligations exceeding the scope of the  
14 Stipulation and Order to Extend Limited Discovery Stay that the Court entered on January 5,  
15 2010 (the "Stay Order").

16          11.       Responding Party objects to the Document Requests, and each request therein, to  
17 the extent they seek documents and information that are beyond the scope of the Sherman  
18 Antitrust Act, 15 U.S.C. § 1.

19          12.       Responding Party objects to the Document Requests, and each request therein, to  
20 the extent they fail to describe the documents and things sought with a reasonable degree of  
21 specificity.

22          13.       Responding Party shall attempt to construe the terms and phrases used by  
23 Plaintiffs in a way to give those terms and phrases a meaning which will result in the production  
24 of relevant information or information designed to lead to the discovery of admissible evidence.

25          14.       Responding Party objects to the Document Requests, and each request therein, to  
26 the extent they seek the discovery of documents regarding Responding Party's sales outside of the  
27 United States and unrelated to United States commerce, as such sales are beyond the scope of this

1 litigation and thereby render the Document Requests overly broad, unduly burdensome, and not  
2 reasonably calculated to lead to the discovery of admissible evidence.

3 15. Responding Party objects to the Document Requests, and each request therein, to  
4 the extent they seek documents, including but not limited to electronic documents, the disclosure  
5 of which is prohibited by a law, regulation, or order of a court or other authority of a foreign  
6 jurisdiction in which the documents are located.

7 16. Responding Party objects to the Document Requests, and each request therein, to  
8 the extent they seek documents that are no longer active or readily accessible on Responding  
9 Party's databases but might exist in electronic archives or back-up files. Responding Party will  
10 not rebuild these electronic archives and back-up files in order to search for documents that may  
11 be responsive to the Document Requests. Based on the dates of the information sought, a portion  
12 of Responding Party's potentially responsive data will likely not be on active databases.

13 17. Responding Party objects to the Document Requests, and each request therein, to  
14 the extent they seek to impose on Responding Party an obligation to investigate or discover  
15 information or materials from third parties or sources that are equally accessible to Plaintiffs.

16 18. Responding Party objects to the Document Requests and each request therein, to  
17 the extent they contain duplicative requests, in whole or in part. To the extent responsive  
18 documents have previously been produced, they will not be produced again.

19 19. Responding Party objects to the Document Requests, and each request therein, to  
20 the extent that they purport to call for Responding Party to engage in an investigation or to obtain  
21 information and/or documents not in its personal possession, custody or control. In addition,  
22 Responding Party objects to the extent the Document Requests require Responding Party to  
23 respond and/or produce documents on behalf of any person or entity other than itself.

24 20. Responding Party objects to the Document Requests, and each request therein, to  
25 the extent that they seek documents that are in the public record or which are equally accessible to  
26 the Plaintiffs as to Responding Party.

27 21. Responding Party objects to the Document Requests, and each request therein, to  
28 the extent that they attempt and/or purport to call for production of any information and/or

documents that are privileged, including, but not limited to, documents and materials that were prepared in anticipation of litigation, ADR, or for trial, that reveal communications between Responding Party and its legal counsel, and/or that otherwise constitute attorney-work product, joint defense or common interest privilege, or by any other applicable doctrine or privilege, or that are otherwise privileged or immune from discovery. Inadvertent testimony, production, or disclosure of any such information and/or document is not intended to and shall not constitute a waiver of any privilege or any other ground for objecting to discovery with respect to such testimony, information, and/or document, or with respect to the subject matter thereof. Nor shall such inadvertent production or disclosure waive Responding Party's right to object to the use of any such testimony, information, and/or document during this action or in any other or subsequent proceeding. Hence, Responding Party objects to each request to the extent each seeks testimony, documents, and information that are protected by the attorney-client privilege and/or the attorney work product doctrine.

22. No response herein should be deemed or construed as a representation that Responding Party agrees with or acquiesces in the characterization of any fact, assumption or conclusion of law contained in or implied by the Document Requests.

23. Responding Party objects to the Document Requests, and each request therein, to the extent they seek information and/or documents that would disclose proprietary information, trade secrets or other confidential research, development, or other confidential information protected by the Uniform Trade Secrets Act, among others, any and all rights of privacy under the United States Constitution or Article I of the Constitution of the State of California, or any other applicable law or state constitution, or that is otherwise prohibited from disclosure because to do so would cause Responding Party to violate legal and/or contractual obligations to any other persons or entities. Where applicable, Responding Party's Responses to the Document Requests are subject to the provisions of the Stipulated Protective Order that the Court entered on June 18, 2008 (the "Protective Order"). Responding Party's Responses are hereby designated "Confidential" in accordance with the provisions of the Protective Order.

24. By representing that it will or will not produce documents, Responding Party does not represent that such documents exist.

25. To the extent Responding Party produces to Direct Purchaser Plaintiffs documents responsive to the Document Requests, such responsive documents will not be produced again.

26. Subject to and without waiving any of the foregoing objections, each of which is expressly incorporated into each individual response below as if fully stated therein, Responding Party expressly reserves the following rights:

a. Any and all testimony and information provided and/or documents produced by Responding Party in response to the Document Requests are and will remain subject to all objections as to relevance, materiality, propriety, and admissibility, as well as to any and all other objections on any grounds that would require the exclusion of the testimony, information, and/or document or any portion thereof if such testimony, information, and/or document was offered in evidence, all of which objections and grounds are hereby expressly reserved and may be interposed at the time of any written discovery, deposition, or at or before any hearing, arbitration or trial in this matter;

b. The right to object on any ground whatsoever at any time to any demand for further responses to the Document Requests or any other discovery procedures involving or relating to the subject matter of the Document Requests; and

c. The right to supplement the documents produced, or otherwise to supplement, revise or explain the information contained therein in light of information gathered through further investigation and discovery.

### **OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS**

#### **DEFINITION NO. 1:**

“All” should be construed to include the collective as well as the singular and shall mean “each,” “any,” and “every.”

#### **OBJECTION TO DEFINITION NO. 1:**

No objection.



1 **DEFINITION NO. 2:**

2 “Any” shall be construed to mean “any and all.”

3 **OBJECTION TO DEFINITION NO. 2:**

4 No objection.

5 **DEFINITION NO. 3:**

6 “Or” and “and” should be construed so as to require the broadest possible response. If, for  
7 example, a request calls for information about “A or B” or “A and B,” you should produce all  
8 information about A and all information about B, as well as all information about A and B  
9 collectively. In other words, “or” and “and” should be read as “and/or.”

10 **OBJECTION TO DEFINITION NO. 3:**

11 No objection.

12 **DEFINITION NO. 4:**

13 “Defendant” means any company, organization, entity or person presently or subsequently  
14 named as a defendant in this litigation.

15 **OBJECTION TO DEFINITION NO. 4:**

16 Responding Party objects to this definition to the extent it attempts to impose obligations  
17 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
18 the Federal Rules of Civil Procedure.

19 Responding Party objects to this definition on the ground it calls for a legal conclusion.

20 Responding Party objects to this definition as vague, ambiguous, unintelligible, overly  
21 broad to the extent it seeks documents and information that are not relevant to the subject matter  
22 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of  
23 admissible evidence, and unduly burdensome to search for and produce.

24 Responding Party objects to this definition to the extent it seeks information and  
25 documents that would disclose Responding Party’s or a third party’s respective trade secrets or  
26 other confidential research, development, or confidential information protected by the Uniform  
27 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article  
28 One of the Constitution of the State of California, or any other applicable state constitution or



1 law, or which is otherwise prohibited from disclosure because to do so would cause Responding  
 2 Party to violate legal or contractual obligations to any other persons or entities. Where it may be  
 3 appropriate to do so and with adequate protections and limitations, Responding Party expressly  
 4 reserves the right to provide such documents and/or information only pursuant to the Protective  
 5 Order in this action.

6 Responding Party objects to this definition to the extent that it attempts or purports to call  
 7 for the production of any information and/or documents that are privileged, that were prepared in  
 8 anticipation of litigation or trial, that reveal communications between Responding Party and its  
 9 legal counsel, that otherwise constitute attorney work product, are subject to the joint defense or  
 10 common interest privilege, or that are otherwise privileged or immune from discovery.

11 Responding Party objects to this definition to the extent it is intended to include persons  
 12 or entities other than Responding Party. To the extent and in the context a request uses the term  
 13 “Defendant,” Responding Party understands that the request and its obligations only extend to  
 14 information and/or documents within Responding Party’s possession, custody or control.

15 Responding Party objects to this definition to the extent that it calls for documents or  
 16 information beyond Responding Party’s knowledge. In addition, Responding Party objects to this  
 17 definition to the extent that it requires Responding Party to respond and/or produce documents or  
 18 information on behalf of any person or entity other than itself.

19 Responding Party will respond on behalf of Hitachi America, Ltd. only.

20 **DEFINITION NO. 5:**

21 “Document(s), data, and tangible things” is used in the broadest possible sense and has  
 22 the meaning set forth in Federal Rule of Civil Procedure 34 including, but not limited to, writings;  
 23 records; files; correspondence; reports; memoranda; calendars; diaries; minutes; electronic  
 24 messages; voicemail; E-mail; telephone message records or logs; computer and network activity  
 25 logs; hard drives; backup data; removable computer storage media such as tapes, disks, and cards;  
 26 printouts; document image files; Web pages; databases; spreadsheets; software; books; ledgers;  
 27 journals; orders; invoices; bills; vouchers; checks; statements; worksheets; summaries;  
 28 compilations; computations; charts; diagrams; graphic presentations; drawings; films; charts;

1 digital or chemical process photographs; video, phonographic, tape, or digital recordings or  
 2 transcripts thereof; drafts; jottings; and notes. Information that serves to identify, locate, or link  
 3 such material, such as file inventories, file folders, indices, and metadata, is also included in this  
 4 definition.

5 **OBJECTION TO DEFINITION NO. 5:**

6 Responding Party objects to this definition to the extent that it seeks to expand the scope  
 7 of Rule 34 of the Federal Rules of Civil Procedure.

8 Responding Party also objects to this definition as overly broad to the extent it seeks  
 9 documents and/or information that are not relevant to the subject matter of this action, not  
 10 admissible in evidence, not reasonably calculated to lead to the discovery of admissible evidence,  
 11 and unduly burdensome to search for and produce.

12 **DEFINITION NO. 6:**

13 “All Documents” means every document and every non-identical copy known to you and  
 14 every such document or writing which you can locate or discover by reasonably diligent efforts,  
 15 including, but not limited to, all drafts of documents now in the possession, custody or control of  
 16 any defendant, its merged or acquired predecessors, former and present directors, officers,  
 17 counsel, agents, employees and/or persons acting on its behalf.

18 **OBJECTION TO DEFINITION NO. 6:**

19 Responding Party objects to this definition to the extent that it seeks to expand the scope  
 20 of Rule 34 of the Federal Rules of Civil Procedure.

21 Responding Party also objects to this definition as overly broad to the extent it seeks  
 22 documents and/or information that are not relevant to the subject matter of this action, not  
 23 admissible in evidence, not reasonably calculated to lead to the discovery of admissible evidence,  
 24 and unduly burdensome to search for and produce.

25 Responding Party objects to this definition to the extent it is intended to include persons  
 26 or entities other than Responding Party. Responding Party understands that these requests and its  
 27 obligations only extend to documents and/or information within Responding Party’s possession,  
 28 custody or control.

1 Responding Party will respond on behalf of Hitachi America, Ltd. only.

2 **DEFINITION NO. 7:**

3 “Electronic data” includes, without limitation, the following:

- 4 a. activity listings of electronic mail receipts and/or transmittals;
- 5 b. output resulting from the use of any software program, including, without
- 6 limitation, word processing documents, spreadsheets, database files, charts, graphs and outlines,
- 7 electronic mail, AOL Instant Messenger™ (or similar program) or bulletin board programs,
- 8 operating systems, source code, PRF files, PRC files, batch files, ASCII files, and all
- 9 miscellaneous media on which they reside and regardless of whether said electronic data exists in
- 10 an active file, a deleted file, or file fragment;
- 11 c. any and all items stored on computer memories, hard disks, floppy disks, CD-
- 12 ROM, magnetic tape, microfiche, or in any other vehicle for digital data storage and/or
- 13 transmittal, such as, but not limited to, a personal digital assistant, e.g., Palm Pilot, R.I.M.,
- 14 Blackberry, or similar device, and file folder tabs, and/or containers and labels appended to, or
- 15 relating to, any physical storage device associated with each original and/or copy of all
- 16 documents requested herein.

17 **OBJECTION TO DEFINITION NO. 7:**

18 Responding Party objects to this definition to the extent it attempts to impose obligations  
 19 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
 20 the Federal Rules of Civil Procedure.

21 Responding Party also objects to this definition as overly broad to the extent it seeks  
 22 documents and/or information that are not relevant to the subject matter of this action, not  
 23 admissible in evidence, not reasonably calculated to lead to the discovery of admissible evidence,  
 24 and unduly burdensome to search for and produce.

25 Responding Party objects to this definition to the extent it seeks documents that are no  
 26 longer active or readily accessible on Responding Party’s databases but might exist in electronic  
 27 archives or back-up files. Responding Party will not rebuild these electronic archives and back-  
 28 up files in order to search for documents that may be responsive to the Document Requests.

1 Based on the dates of the information sought, a portion of Responding Party's potentially  
 2 responsive data will likely not be on active databases.

3 **DEFINITION NO. 8:**

4 "You" or "Your" means the responding defendant and any of its predecessors, successors,  
 5 parents, subsidiaries, and any of its local, regional, national, executive and foreign offices,  
 6 affiliates, divisions or branches thereof, any present or former partners, officers, directors,  
 7 employees or agents including, but not limited to, attorneys, accountants, advisors and all other  
 8 persons acting or purporting to act on its behalf.

9 **OBJECTION TO DEFINITION NO. 8:**

10 Responding Party objects to this definition to the extent it attempts to impose obligations  
 11 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
 12 the Federal Rules of Civil Procedure.

13 Responding Party objects to this definition on the ground it calls for a legal conclusion.

14 Responding Party objects to this definition as vague, ambiguous, unintelligible, overly  
 15 broad to the extent it seeks documents and information that are not relevant to the subject matter  
 16 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of  
 17 admissible evidence, and unduly burdensome to search for and produce.

18 Responding Party objects to this definition to the extent it seeks documents and  
 19 information that would disclose Responding Party's or a third party's respective trade secrets or  
 20 other confidential research, development, or confidential information protected by the Uniform  
 21 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article  
 22 One of the Constitution of the State of California, or any other applicable state constitution or  
 23 law, or which is otherwise prohibited from disclosure because to do so would cause Responding  
 24 Party to violate legal or contractual obligations to any other persons or entities. Where it may be  
 25 appropriate to do so and with adequate protections and limitations, Responding Party expressly  
 26 reserves the right to provide such information and/or documents only pursuant to the Protective  
 27 Order in this action.

28 Responding Party objects to this definition to the extent that it attempts or purports to call

1 for the production of any documents and/or information that are privileged, that were prepared in  
 2 anticipation of litigation or trial, that reveal communications between Responding Party and its  
 3 legal counsel, that otherwise constitute attorney work product, are subject to the joint defense or  
 4 common interest privilege, or that are otherwise privileged or immune from discovery.

5 Responding Party objects to this definition to the extent it is intended to include persons  
 6 or entities other than Responding Party. To the extent and in the context a request uses the term  
 7 “defendant,” Responding Party understands that the request and its obligations only extend to  
 8 documents and/or information within Responding Party’s possession, custody or control.

9 Responding Party objects to this definition to the extent that it calls for documents and/or  
 10 information beyond Responding Party’s knowledge. In addition, Responding Party objects to this  
 11 definition to the extent that it requires Responding Party to respond and/or produce documents  
 12 and/or information on behalf of any person or entity other than itself.

13 Responding Party will respond on behalf of Hitachi America, Ltd. only.

14 **DEFINITION NO. 9:**

15 “Person” shall refer to natural persons, firms, joint owners, associations, companies,  
 16 partnerships, joint ventures, corporations, trusts, estates, agencies, departments or bureaus  
 17 (governmental or private), and any other form of business, governmental or juridical person or  
 18 legal entity.

19 **OBJECTION TO DEFINITION NO. 9:**

20 Responding Party objects to this definition to the extent it attempts to impose obligations  
 21 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
 22 the Federal Rules of Civil Procedure.

23 Responding Party objects to this definition on the ground it calls for a legal conclusion.

24 Responding Party objects to this definition as vague, ambiguous, unintelligible, overly  
 25 broad to the extent it seeks documents and information that are not relevant to the subject matter  
 26 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of  
 27 admissible evidence, and unduly burdensome to search for and produce.

28 Responding Party objects to this definition to the extent it seeks information and

documents that would disclose Responding Party's or a third party's respective trade secrets or other confidential research, development, or confidential information protected by the Uniform Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article One of the Constitution of the State of California, or any other applicable state constitution or law, or which is otherwise prohibited from disclosure because to do so would cause Responding Party to violate legal or contractual obligations to any other persons or entities. Where it may be appropriate to do so and with adequate protections and limitations, Responding Party expressly reserves the right to provide such information and/or documents only pursuant to the Protective Order in this action.

Responding Party objects to this definition to the extent that it attempts or purports to call for the production of any documents and/or information that are privileged, that were prepared in anticipation of litigation or trial, that reveal communications between Responding Party and its legal counsel, that otherwise constitute attorney work product, or that are otherwise privileged or immune from discovery.

Responding Party objects to this definition to the extent it is intended to include persons or entities other than Responding Party. To the extent and in the context a request uses the term "Person," Responding Party understands that the request and its obligations only extend to documents and/or information within Responding Party's possession, custody or control.

Responding Party objects to this definition to the extent that it calls for documents and/or information beyond Responding Party's knowledge. In addition, Responding Party objects to this definition to the extent that it requires Responding Party to respond and/or produce document and/or information on behalf of any person or entity other than itself.

Responding Party will respond on behalf of Hitachi America, Ltd. only.

**DEFINITION NO. 10:**

"Employee" means, without limitation, any current or former officer, director, executive, manager, secretary, messenger, agent or other person who is or was employed by a defendant.

**OBJECTION TO DEFINITION NO. 10:**

Responding Party objects to this definition to the extent it attempts to impose obligations



1 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
2 the Federal Rules of Civil Procedure.

3 Responding Party objects to this definition on the ground it calls for a legal conclusion.

4 Responding Party objects to this definition as vague, ambiguous, unintelligible, overly  
5 broad to the extent it seeks documents and information that are not relevant to the subject matter  
6 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of  
7 admissible evidence, and unduly burdensome to search for and produce.

8 Responding Party objects to this definition to the extent it seeks information and  
9 documents that would disclose Responding Party's or a third party's respective trade secrets or  
10 other confidential research, development, or confidential information protected by the Uniform  
11 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article  
12 One of the Constitution of the State of California, or any other applicable state constitution or  
13 law, or which is otherwise prohibited from disclosure because to do so would cause Responding  
14 Party to violate legal or contractual obligations to any other persons or entities. Where it may be  
15 appropriate to do so and with adequate protections and limitations, Responding Party expressly  
16 reserves the right to provide such information and/or documents only pursuant to the Protective  
17 Order in this action.

18 Responding Party objects to this definition to the extent that it attempts or purports to call  
19 for the production of any documents and/or information that are privileged, that were prepared in  
20 anticipation of litigation or trial, that reveal communications between Responding Party and its  
21 legal counsel, that otherwise constitute attorney work product, or that are otherwise privileged or  
22 immune from discovery.

23 Responding Party objects to this definition to the extent it is intended to include persons  
24 or entities other than Responding Party. To the extent and in the context a request uses the term  
25 "Employee," Responding Party understands that the request and its obligations only extend to  
26 documents and/or information within Responding Party's possession, custody or control.

27 Responding Party objects to this definition to the extent that it calls for documents and/or  
28 information beyond Responding Party's knowledge. In addition, Responding Party objects to this



1 definition to the extent that it requires Responding Party to respond and/or produce documents  
2 and/or information on behalf of any person or entity other than itself.

3 Responding Party will respond on behalf of Hitachi America, Ltd. only.

4 **DEFINITION NO. 11:**

5 “Concerning” means relating to, referring to, in connection with, pertaining to, describing,  
6 discussing, analyzing, reflecting, summarizing, evidencing, embodying or constituting.

7 **OBJECTION TO DEFINITION NO. 11:**

8 Responding Party objects to this definition to the extent it attempts to impose obligations  
9 on Responding Party and/or seeks documents, beyond those required to be produced pursuant to  
10 the Federal Rules of Civil Procedure.

11 Responding Party objects to the expression “concerning” to the extent it means more than  
12 comprising, or on its face discusses, pertains to or is connected with a well-defined, unambiguous  
13 and identifiable topic or subject matter.

14 Responding Party objects to this definition because responding to such overly broad,  
15 vague and ambiguous requests would be unduly burdensome and oppressive.

16 **DEFINITION NO. 12:**

17 “Meeting” means any discussion between two or more persons either in person or  
18 telephonically.

19 **OBJECTION TO DEFINITION NO. 12:**

20 Responding Party objects to this definition to the extent it attempts to impose obligations  
21 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
22 the Federal Rules of Civil Procedure.

23 **DEFINITION NO. 13:**

24 “Communication” and “Communications” are used in a comprehensive sense and shall  
25 mean and include every conceivable manner or means of disclosure, transfer or exchange of oral  
26 or written information (in the form of facts, ideas, inquiries or otherwise) between one or more  
27 persons or entities including, but not limited to, writings, documents, inter- and intraoffice  
28 memoranda, correspondence, meetings, conferences, conversations, and/or agreements, whether

1 face-to-face, by telephone, by mail, by telecopier, by telex, by computer or otherwise.

2 **OBJECTION TO DEFINITION NO. 13:**

3 Responding Party objects to this definition to the extent it attempts to impose obligations  
4 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
5 the Federal Rules of Civil Procedure.

6 **DEFINITION NO. 14:**

7 “CRT” means cathode ray tube(s) and “CRT Products” means products containing  
8 cathode ray tubes.

9 **OBJECTION TO DEFINITION NO. 14:**

10 Responding Party objects to this definition to the extent it attempts to impose obligations  
11 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
12 the Federal Rules of Civil Procedure.

13 Responding Party objects to this definition on the ground the term “CRT Products” is  
14 vague, ambiguous, unintelligible, and overly broad to the extent it seeks documents and  
15 information that are not relevant to the subject matter of this action, not admissible in evidence,  
16 not reasonably calculated to lead to the discovery of admissible evidence, and unduly burdensome  
17 to search for and produce. Moreover, any discovery as to “CRT Products” that is not reasonably  
18 related to Plaintiffs’ claims with respect to an alleged conspiracy involving CRTs is premature  
19 and overly burdensome until such time as Plaintiffs establish a reasonable basis for their claims  
20 regarding “CRT Products” to justify the enormous burden that Plaintiffs seek to impose on  
21 Responding Party by pursuing discovery as to all such products.

22 Responding Party objects to this definition on the ground that, to the extent the Document  
23 Requests seek documents regarding “CRTs,” the Document Requests are overly broad and unduly  
24 burdensome, and purport to call for information that is not relevant to the claim or defense of any  
25 party, not relevant to the subject matter involved in this action, and not reasonably calculated to  
26 lead to the discovery of admissible evidence, as the Complaint purports to bring this class action  
27 “on behalf of individuals and entities that indirectly purchased Cathode Ray Tube Products  
28 (“CRT Products”),” not direct purchasers. Indirect Purchaser Plaintiffs’ Consolidated Amended

1 Complaint (“Complaint”), ¶ 1. Furthermore, to the extent Responding Party produces documents  
 2 responsive to the Document Requests regarding “CRTs” to Direct Purchaser Plaintiffs, such  
 3 documents will not be produced again.

#### 4 **INSTRUCTIONS**

##### 5 **INSTRUCTION NO. 1:**

6 This document request calls for the production of all responsive documents in your  
 7 possession, custody or control without regard to the physical location of such documents.

##### 8 **OBJECTION TO INSTRUCTION NO. 1:**

9 Responding Party objects to this instruction to the extent it attempts to impose obligations  
 10 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
 11 the Federal Rules of Civil Procedure.

12 Responding Party objects to this instruction as vague, ambiguous, unintelligible, overly  
 13 broad to the extent it seeks documents and information that are not relevant to the subject matter  
 14 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of  
 15 admissible evidence, and unduly burdensome to search for and produce.

16 Responding Party objects to this instruction to the extent it seeks documents and  
 17 information that would disclose Responding Party’s or a third party’s respective trade secrets or  
 18 other confidential research, development, or confidential information protected by the Uniform  
 19 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article  
 20 One of the Constitution of the State of California, or any other applicable state constitution or  
 21 law, or which is otherwise prohibited from disclosure because to do so would cause Responding  
 22 Party to violate legal or contractual obligations to any other persons or entities. Where it may be  
 23 appropriate to do so and with adequate protections and limitations, Responding Party expressly  
 24 reserves the right to provide such information and/or documents only pursuant to the Protective  
 25 Order in this action.

26 Responding Party objects to this instruction to the extent that it attempts or purports to call  
 27 for the production of any documents and/or information that are privileged, that were prepared in  
 28 anticipation of litigation or trial, that reveal communications between Responding Party and its

1 legal counsel, that otherwise constitute attorney work product, are subject to the joint defense or  
 2 common interest privilege, or that are otherwise privileged or immune from discovery.

3 Responding Party objects to this instruction to the extent it is intended to include persons  
 4 or entities other than Responding Party.

5 Responding Party objects to this instruction to the extent that it calls for documents and/or  
 6 information beyond Responding Party's knowledge.

7 Responding Party will respond on behalf of Hitachi America, Ltd. only.

8 **INSTRUCTION NO. 2:**

9 In producing documents and other materials, you must furnish all documents or things in  
 10 your possession, custody or control, regardless of whether such documents or materials are  
 11 possessed directly by you or your directors, officers, agents, employees, representatives,  
 12 subsidiaries, managing agents, affiliates, investigators, or by your attorneys or their agents,  
 13 employees, representatives or investigators.

14 **OBJECTION TO INSTRUCTION NO. 2:**

15 Responding Party objects to this instruction to the extent it attempts to impose obligations  
 16 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
 17 the Federal Rules of Civil Procedure.

18 Responding Party objects to this instruction on the ground it calls for a legal conclusion.

19 Responding Party objects to this instruction as vague, ambiguous, unintelligible, overly  
 20 broad to the extent it seeks documents and information that are not relevant to the subject matter  
 21 of this action, not admissible in evidence, not reasonably calculated to lead to the discovery of  
 22 admissible evidence, and unduly burdensome to search for and produce.

23 Responding Party objects to this instruction to the extent it seeks documents and  
 24 information that would disclose Responding Party's or a third party's respective trade secrets or  
 25 other confidential research, development, or confidential information protected by the Uniform  
 26 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article  
 27 One of the Constitution of the State of California, or any other applicable state constitution or  
 28 law, or which is otherwise prohibited from disclosure because to do so would cause Responding

1 Party to violate legal or contractual obligations to any other persons or entities. Where it may be  
 2 appropriate to do so and with adequate protections and limitations, Responding Party expressly  
 3 reserves the right to provide such information and/or documents only pursuant to the Protective  
 4 Order in this action.

5 Responding Party objects to this instruction to the extent that it attempts or purports to call  
 6 for the production of any documents and/or information that are privileged, that were prepared in  
 7 anticipation of litigation or trial, that reveal communications between Responding Party and its  
 8 legal counsel, that otherwise constitute attorney work product, are subject to the joint defense or  
 9 common interest privilege, or that are otherwise privileged or immune from discovery.

10 Responding Party objects to this instruction to the extent it is intended to include persons  
 11 or entities other than Responding Party. To the extent and in the context a request uses the terms  
 12 “you or your directors, officers, agents, employees, representatives, subsidiaries, managing  
 13 agents, affiliates, investigators, or by your attorneys or their agents, employees, representatives or  
 14 investigators,” Responding Party understands that the request and its obligations only extend to  
 15 documents and/or information within Responding Party’s possession, custody or control.

16 Responding Party objects to this instruction to the extent that it calls for documents and/or  
 17 information beyond Responding Party’s knowledge. In addition, Responding Party objects to this  
 18 instruction to the extent that it requires Responding Party to respond and/or produce documents  
 19 and/or information on behalf of any person or entity other than itself.

20 Responding Party will respond on behalf of Hitachi America, Ltd. only.

21 **INSTRUCTION NO. 3:**

22 In producing documents, you must produce the original of each document requested  
 23 together with all non-identical copies and drafts of that document. If the original of any document  
 24 cannot be located, a copy shall be provided in lieu thereof, and shall be legible and bound or  
 25 stapled in the same manner as the original (to the extent this is known).

26 **OBJECTION TO INSTRUCTION NO. 3:**

27 Responding Party objects to this instruction to the extent that it seeks to expand the scope  
 28 of Rule 34 of the Federal Rules of Civil Procedure.

1 Responding Party also objects to this instruction as overly broad to the extent it seeks  
 2 documents and/or information that are not relevant to the subject matter of this action, not  
 3 admissible in evidence, not reasonably calculated to lead to the discovery of admissible evidence,  
 4 and unduly burdensome to search for and produce.

5 **INSTRUCTION NO. 4:**

6 Pursuant to Federal Rule of Civil Procedure 34(b), documents shall be produced as they  
 7 are kept in the usual course of business and shall be organized and labeled to identify any file  
 8 number, file name, or any other file identification system utilized by the responding party, as well  
 9 as the location and custodian of such records. These requests include Plaintiffs' request to  
 10 physically inspect any file drawer, filing cabinet or any other storage device where documents  
 11 responsive to these requests are maintained at the time of the inspection of such documents.

12 **OBJECTION TO INSTRUCTION NO. 4:**

13 Responding Party objects to this instruction to the extent it attempts to impose obligations  
 14 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
 15 the Federal Rules of Civil Procedure.

16 **INSTRUCTION NO. 5:**

17 Documents attached to each other should not be separated. If any portion of any document  
 18 is responsive to any portion of the document requests below, then the entire document must be  
 19 produced.

20 **OBJECTION TO INSTRUCTION NO. 5:**

21 Responding Party objects to this instruction to the extent it attempts to impose obligations  
 22 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
 23 the Federal Rules of Civil Procedure.

24 **INSTRUCTION NO. 6:**

25 All documents produced should be Bates number [SIC] sequentially, with a unique  
 26 number on each page, and with a prefix identifying the party producing the document.

27 **OBJECTION TO INSTRUCTION NO. 6:**

28 No objection.



**INSTRUCTION NO. 7:**

Pursuant to Federal Rule of Civil Procedure 34(b)(1)(C), the responding party must produce any electronically stored information (“ESI”) in its native format. If ESI in its native format can only be accessed by proprietary or legacy software, the responding party shall receive all information and software necessary to access the ESI. Subject to the right under Rule 34(a) to sample, ESI from proprietary databases may be produced in Excel or other mutually agreeable format. ESI is to be produced in Tagged Image File Format (“TIFF,” or “.TIF”) files. TIFF files should be produced in single page format along with an image load file (DTI file) indicating document breaks. The image load file should be compatible with Summation and Concordance. Load files created in the process of converting ESI from the electronic format of the application in which the ESI is normally created, viewed, and/or modified (“metadata load file”) must also be produced. The metadata load files should contain any and all metadata identified within the data, including document text, file name, last accessed date and time, file created date and time, last modified date and time, and original path of the document. In the case of e-mail, the load file should also include additional metadata including the author, recipient, cc, bcc, date and time sent, and date and time received. Load files should also contain a link to Excel spreadsheets and Access databases in native format and the Excel and Access files should be included in the production in native form in a directory structure that is identical to the target of the link. Files should be accompanied by a reference file containing the MD5 hash value for each file. Load files should provide all parent/child or parent/sibling relationships. Family ranges should also be provided. Other databases are to be produced in reasonably usable form. Audio files are to be produced in MPEG-1 Audio Layer 3 (“MP3”) format and should be accompanied by a reference file containing the MD5 hash value for each file. Bates numbers should be electronically branded to each page of ESI produced. Gaps in bates numbers produced should be explained in a privilege log. Please provide an index or other means to determine which files came from which office and/or person.

**OBJECTION TO INSTRUCTION NO. 7:**

Responding Party objects to this instruction to the extent it attempts to impose obligations



1 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
2 the Federal Rules of Civil Procedure.

3 Responding Party objects to this instruction to the extent it seeks documents and  
4 information that would disclose Responding Party's or a third party's respective trade secrets or  
5 other confidential research, development, or confidential information protected by the Uniform  
6 Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article  
7 One of the Constitution of the State of California, or any other applicable state constitution or  
8 law, including any copyright or license, or which is otherwise prohibited from disclosure because  
9 to do so would cause Responding Party to violate legal or contractual obligations to any other  
10 persons or entities. Where it may be appropriate to do so and with adequate protections and  
11 limitations, Responding Party expressly reserves the right to provide such information and/or  
12 documents only pursuant to the Protective Order in this action.

13 Responding Party objects to this instruction on the ground that the parties are in the  
14 process of meeting and conferring to develop an ESI protocol pursuant to Judge Legge's order.  
15 Accordingly, Responding Party's ESI obligations have yet to be determined, and Responding  
16 Party objects to this instruction to the extent it conflicts with or in anyway attempts to expand  
17 Responding Party's discovery obligations beyond those yet to be identified within and pursuant to  
18 the final ESI protocol in this matter.

19 **INSTRUCTION NO. 8:**

20 If any responsive document was, but no longer is, in the possession of or subject to your  
21 control, state whether it (i) is missing or lost, (ii) has been destroyed, (iii) has been transferred,  
22 voluntarily or involuntarily, to others, or (iv) has been otherwise disposed of, and in each instance  
23 explain the circumstances surrounding this, and state the date or approximate date of such  
24 disposition.

25 **OBJECTION TO INSTRUCTION NO. 8:**

26 Responding Party objects to this instruction to the extent it attempts to impose obligations  
27 on Responding Party and/or seeks documents beyond those required to be produced pursuant to  
28 the Federal Rules of Civil Procedure.

1 Responding Party objects on the grounds that it is impossible to identify, describe, and  
 2 further explain the circumstances regarding every document that ever “was, but no longer is, in  
 3 the possession of or subject to your control.” To the extent that it is even possible to identify,  
 4 describe, and explain the circumstances regarding such documents, such investigation would  
 5 impose a unique, time-consuming and unreasonable burden.

6 Responding Party objects to this instruction on the ground it is unduly burdensome and  
 7 oppressive.

8 **INSTRUCTION NO. 9:**

9 In the event that you object to any document request on the ground of privilege or work  
 10 product, a statement shall be provided as to each document which includes:

- 11 a. the name of the author of the document;
- 12 b. the name of the recipient of the document;
- 13 c. the names of the persons to whom copies were sent;
- 14 d. the job title of every individual named in (a), (b), and (c) above;
- 15 e. the date the document was created, sent, and received;
- 16 f. the location of the document;
- 17 g. the custodian of the document;
- 18 h. a brief description of the nature and subject matter of the document; and
- 19 i. a statement of the privilege asserted and each and every fact or basis upon which a  
 20 privilege is claimed or on which the document is otherwise withheld.

21 Notwithstanding the assertion of any objection to production, if a document contains non-  
 22 objectionable or non-privileged matter, please produce that document, redacting that portion for  
 23 which the objection is asserted, provided that the identification requested in paragraphs (h) and (i)  
 24 above are furnished. A log itemizing each of these documents and this corresponding information  
 25 that forms the basis for your objection on privilege or work product grounds shall be served  
 26 contemporaneously with your responses to these document requests.

27 **OBJECTION TO INSTRUCTION NO. 9:**

28 Responding Party objects to this instruction to the extent it attempts to impose obligations

on Responding Party and/or seeks documents beyond those required to be produced pursuant to the Federal Rules of Civil Procedure or the Federal Rules of Evidence.

**INSTRUCTION NO. 10:**

Each document should be produced in its entirety and without deletion, redaction or excisions, except as provided by Instruction 9 above, regardless of whether you consider the entire document or only part of it to be relevant or responsive to these document requests. If you have redacted any portion of a document, stamp the word "REDACTED" beside the redacted information on each page of the document which you have redacted. Any redactions to such documents produced should be identified in accordance with Instruction 9 above.

**OBJECTION TO INSTRUCTION NO. 10:**

Responding Party objects to this instruction to the extent it attempts to impose obligations on Responding Party and/or seeks documents beyond those required to be produced pursuant to the Federal Rules of Civil Procedure.

Responding Party objects to this instruction to the extent it seeks documents and information that would disclose Responding Party's or a third party's respective trade secrets or other confidential research, development, or confidential information protected by the Uniform Trade Secrets Act, any and all rights of privacy under the United States Constitution or Article One of the Constitution of the State of California, or any other applicable state constitution or law, or which is otherwise prohibited from disclosure because to do so would cause Responding Party to violate legal or contractual obligations to any other persons or entities. Where it may be appropriate to do so and with adequate protections and limitations, Responding Party expressly reserves the right to provide such information and/or documents only pursuant to the Protective Order in this action.

Responding Party objects to this instruction to the extent that it attempts or purports to call for the production of any documents and/or information that are privileged, that were prepared in anticipation of litigation or trial, that reveal communications between Responding Party and its legal counsel, that otherwise constitute attorney work product, are subject to the joint defense or common interest privilege, or that are otherwise privileged or immune from discovery.

**INSTRUCTION NO. 11:**

The following requests are continuing in nature pursuant to Rule 26(e) of the Federal Rules of Civil Procedure so as to require the prompt production of supplemental or additional responsive documents when you become aware of such, up to and including the time of trial.

**OBJECTION TO INSTRUCTION NO. 11:**

Responding Party objects to this definition to the extent it attempts to impose obligations on Responding Party and/or seeks documents beyond those required to be produced pursuant to the Federal Rules of Civil Procedure.

**RELEVANT TIME PERIOD**

Unless otherwise stated, these requests call for the production of all documents that were generated and/or maintained during the period January 1, 1995 through the present (the "relevant time period"). These document requests seek all responsive documents created or generated during the relevant time period, as well as responsive documents created or generated outside the relevant time period, but which contain information concerning the relevant time period.

**OBJECTION TO DEFINITION OF RELEVANT TIME PERIOD**

Responding Party objects to the definition of the relevant time period on the grounds that it is vague, ambiguous, unintelligible, overly broad and seeks information or materials on matters not relevant to the subject matter of this action, not admissible in evidence, and not reasonably calculated to lead to the discovery of admissible evidence.

The "Relevant Time Period" as defined exceeds the putative class period, which begins on March 1, 1995 and ends on November 25, 2007 (Complaint, ¶ 1), and seeks documents and information beyond the statute of limitations period. Judge Conti directed the parties to Judge Legge to develop procedures for the early resolution of statute of limitations issues and to reduce the burden in connection therewith. Judge Legge required the parties to meet and confer on this issue. Accordingly, Responding Party believes it is premature for it to have to produce any documents from prior to the statute of limitations period until the parties meet and confer and/or Judge Legge considers this issue and determines the proper scope of that burden.

For purposes of responding to these Document Requests, Responding Party will interpret

1 “Relevant Time Period” to mean the applicable statute(s) of limitations period(s) (the  
2 “Limitations Period”).

3 Each of the foregoing General Objections and Objections to Definitions and Instructions  
4 is incorporated into the following specific objections. Accordingly, each specific objection is  
5 made subject to, and without waiver of, the foregoing General Objections and Objections to  
6 Definitions and Instructions. Responding Party incorporates by reference each and every General  
7 Objection and Objection to Definitions and Instructions into each and every specific response.  
8 From time to time a specific response may repeat a General Objection or Objection to the  
9 Definitions and Instructions for emphasis or some other reason. The failure to repeat any General  
10 Objection or Objection to the Definitions and Instructions in any specific response shall not be  
11 interpreted as a waiver of any General Objection or Objection to the Definitions and Instructions  
12 to that response.

### 13 **SPECIFIC RESPONSES TO DOCUMENT REQUESTS**

#### 14 **REQUEST NO. 1 [SIC] REQUEST NO. 47:**

15 All documents produced by you (including seized documents) to any domestic  
16 governmental entity, including the United States Department of Justice, referring or relating to  
17 CRT or CRT Products.

#### 18 **RESPONSE TO REQUEST NO. 1 [SIC] REQUEST NO. 47:**

19 Responding Party reasserts and incorporates each of the General Objections and  
20 Objections to Definitions and Instructions set forth above.

21 Responding Party objects to this request on the grounds that it is overly broad, unduly  
22 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

23 Responding Party objects to this request on the grounds that it seeks information in excess  
24 of the limited scope of discovery permitted by the Stay Order, as the Stay Order states that “no  
25 discovery shall be conducted in this case (including, without limitation, document requests,  
26 interrogatories, requests to admit, or depositions) that reflects, refers to, or relates to grand jury  
27 proceedings concerning CRTs or CRT products, including any party’s or witness’s  
28 communications with the United States, or with any grand jury investigating CRTs or CRT

1 products, except by the order of the Court upon good cause shown and consistent with governing  
2 law.” Stipulation and Order to Extend Limited Discovery Stay, ¶ 3 (January 5, 2010).

3 Responding Party objects to this request on the grounds that it seeks production of  
4 documents protected by the attorney-client privilege, work product doctrine, joint defense or  
5 common interest privilege, or by any other applicable doctrine or privilege.

6 Responding Party objects to this request on the grounds it seeks information and/or  
7 documents that would disclose confidential information protected by any and all rights of privacy  
8 under the United States Constitution or any other applicable law, or that is otherwise prohibited  
9 from disclosure because to do so would cause Responding Party to violate legal and/or  
10 contractual obligations to any other persons or entities.

11 Responding Party objects to this request on the grounds that, to the extent it seeks  
12 documents regarding “CRT Products,” as distinguished from “CRTs,” this request is vague and  
13 ambiguous, overly broad and unduly burdensome, and purports to call for information that is not  
14 relevant to the claim or defense of any party, not relevant to the subject matter involved in this  
15 action, and not reasonably calculated to lead to the discovery of admissible evidence.

16 Responding Party objects that the “Relevant Time Period” is overly broad and not  
17 relevant, rendering the request not reasonably calculated to lead to the discovery of admissible  
18 evidence, including, but not limited to, the fact that the Complaint does not allege a continuing  
19 conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request  
20 purports to seek documents beyond the statute of limitations.

21 Responding Party objects that the phrase “in connection with” is not defined and is vague,  
22 ambiguous, and unintelligible, rendering the request overly broad and unduly burdensome and not  
23 reasonably calculated to lead to the discovery of admissible evidence.

24 Responding Party objects on the grounds that, to the extent this request seeks documents  
25 related to “CRTs,” this request is overly broad, unduly burdensome, and purports to call for  
26 information that is not relevant to the claim or defense of any party, not relevant to the subject  
27 matter involved in this action, and not reasonably calculated to lead to the discovery of admissible  
28 evidence. The Complaint alleges Plaintiffs purport to bring this action “on behalf of individuals



1 and entities that indirectly purchased Cathode Ray Tube Products.” (Complaint, ¶ 1).

2 Subject to and without waiving the general and specific objections stated above,  
3 Responding Party responds that it has no documents responsive to this request.

4 **REQUEST NO. 2 [SIC] REQUEST NO. 48:**

5 Copies of all subpoenas or requests for production of documents issued by the United  
6 States Department of Justice referring or relating to CRT or CRT Products.

7 **RESPONSE TO REQUEST NO. 2 [SIC] REQUEST NO. 48:**

8 Responding Party reasserts and incorporates each of the General Objections and  
9 Objections to Definitions and Instructions set forth above.

10 Responding Party objects to this request on the grounds that it is overly broad, unduly  
11 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

12 Responding Party objects to this request on the grounds that it seeks information in excess  
13 of the limited scope of discovery permitted by the Stay Order, as the Stay Order states that “no  
14 discovery shall be conducted in this case (including, without limitation, document requests,  
15 interrogatories, requests to admit, or depositions) that reflects, refers to, or relates to grand jury  
16 proceedings concerning CRTs or CRT products, including any party’s or witness’s  
17 communications with the United States, or with any grand jury investigating CRTs or CRT  
18 products, except by the order of the Court upon good cause shown and consistent with governing  
19 law.” Stipulation and Order to Extend Limited Discovery Stay, ¶ 3 (January 5, 2010).

20 Responding Party objects to this request on the grounds that it seeks production of  
21 documents protected by the attorney-client privilege, work product doctrine, joint defense or  
22 common interest privilege, or by any other applicable doctrine or privilege.

23 Responding Party objects to this request on the grounds it seeks information and/or  
24 documents that would disclose confidential information protected by any and all rights of privacy  
25 under the United States Constitution or any other applicable law, or that is otherwise prohibited  
26 from disclosure because to do so would cause Responding Party to violate legal and/or  
27 contractual obligations to any other persons or entities.

28 Responding Party objects to this request on the grounds that, to the extent it seeks



documents regarding “CRT Products,” as distinguished from “CRTs,” this request is vague and ambiguous, overly broad and unduly burdensome, and purports to call for information that is not relevant to the claim or defense of any party, not relevant to the subject matter involved in this action, and not reasonably calculated to lead to the discovery of admissible evidence.

Responding Party objects that the “Relevant Time Period” is overly broad and not relevant, rendering the request not reasonably calculated to lead to the discovery of admissible evidence, including, but not limited to, the fact that the Complaint does not allege a continuing conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request purports to seek documents beyond the statute of limitations.

Responding Party objects to the extent this request seeks documents that are no longer active or readily accessible in electronic form which renders this request overly broad and unduly burdensome.

Responding Party objects on the grounds that, to the extent this request seeks documents related to “CRTs,” this is request overly broad, unduly burdensome, and purports to call for information that is not relevant to the claim or defense of any party, not relevant to the subject matter involved in this action, and not reasonably calculated to lead to the discovery of admissible evidence. The Complaint alleges Plaintiffs purport to bring this action “on behalf of individuals and entities that indirectly purchased Cathode Ray Tube Products.” (Complaint, ¶ 1).

Subject to and without waiving the objections stated above, Responding Party declines to produce documents that may be responsive to this request.

**REQUEST NO. 3 [SIC] REQUEST NO. 49:**

Documents sufficient to show your corporate structure or organization throughout the relevant time period, including, but not limited to, departments, divisions, parents, subsidiaries, joint ventures, affiliates, or other sub-units that were engaged during any part of the relevant time period in the manufacture, marketing, sale or distribution of CRT or CRT Products including, where applicable, the percentage of any stock or other interests owned by each entity in the chain.

**RESPONSE TO REQUEST NO. 3 [SIC] REQUEST NO. 49:**

Responding Party reasserts and incorporates each of the General Objections and

1 Objections to Definitions and Instructions set forth above.

2 Responding Party objects to this request on the grounds that it is overly broad, unduly  
3 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence  
4 including to the extent that it seeks the discovery of documents regarding Responding Party's  
5 sales outside of the United States and unrelated to United States commerce, as such sales are  
6 beyond the scope of this litigation and thereby render the Document Requests overly broad,  
7 unduly burdensome, and not reasonably calculated to lead to the discovery of admissible  
8 evidence.

9 Responding Party objects to this request on the grounds that it seeks production of  
10 documents protected by the attorney-client privilege, work product doctrine, joint defense or  
11 common interest privilege, or by any other applicable doctrine or privilege.

12 Responding Party objects to this request on the grounds it seeks information and/or  
13 documents that would disclose confidential information protected by any and all rights of privacy  
14 under the United States Constitution or any other applicable law, or that is otherwise prohibited  
15 from disclosure because to do so would cause Responding Party to violate legal and/or  
16 contractual obligations to any other persons or entities.

17 Responding Party objects to this request on the grounds that, to the extent it seeks  
18 documents regarding "CRT Products," as distinguished from "CRTs," this request is vague and  
19 ambiguous, overly broad and unduly burdensome, and purports to call for information that is not  
20 relevant to the claim or defense of any party, not relevant to the subject matter involved in this  
21 action, and not reasonably calculated to lead to the discovery of admissible evidence.

22 Responding Party objects that the "Relevant Time Period" is overly broad and not  
23 relevant, rendering the request not reasonably calculated to lead to the discovery of admissible  
24 evidence, including, but not limited to, the fact that the Complaint does not allege a continuing  
25 conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request  
26 purports to seek documents beyond the statute of limitations.

27 Responding Party objects to this request on the grounds that, to the extent it seeks  
28 documents not related to "CRT Products" only, this request is overly broad and unduly

1 burdensome and purports to call for information that is not relevant to the claim or defense of any  
 2 party, not relevant to the subject matter involved in this action, and not reasonably calculated to  
 3 lead to the discovery of admissible evidence.

4 Responding Party objects to the extent this request seeks documents that are no longer  
 5 active or readily accessible in electronic form which renders this request overly broad and unduly  
 6 burdensome.

7 Responding Party objects on the grounds that, to the extent this request seeks documents  
 8 related to "CRTs," this request is overly broad and unduly burdensome and purports to call for  
 9 information that is not relevant to the claim or defense of any party, not relevant to the subject  
 10 matter involved in this action, and not reasonably calculated to lead to the discovery of admissible  
 11 evidence. The Complaint alleges Plaintiffs purport to bring this action "on behalf of individuals  
 12 and entities that indirectly purchased Cathode Ray Tube Products." (Complaint, ¶ 1)

13 Responding Party objects that this request is duplicative of Request No. 1 of Plaintiffs'  
 14 Second Set of Requests for Production of Documents.

15 Responding Party objects on the grounds that, to the extent Responding Party produces  
 16 documents responsive to this request to Direct Purchaser Plaintiffs, such documents will not be  
 17 produced again.

18 Responding Party objects that, to the extent documents responsive to this request have  
 19 previously been produced, they will not be produced again.

20 Subject to and without waiving the general and specific objections stated above,  
 21 Responding Party responds that it undertook a reasonable, not unduly burdensome search and did  
 22 not identify any documents responsive to this request.

23 **REQUEST NO. 4 [SIC] REQUEST NO. 50:**

24 As to each of your divisions, subdivisions, departments, units, subsidiaries, parents,  
 25 affiliates and joint ventures, documents sufficient to identify each employee having any  
 26 responsibilities or duties with respect to each of the following:

- 27 a. the manufacturing or production of CRT or CRT Products;
- 28 b. the marketing of CRT or CRT Products;

- 1 c. the pricing of CRT or CRT Products;
- 2 d. the sale or distribution of CRT or CRT Products;
- 3 e. maintaining any electronic database(s), including archives of e-mails or other
- 4 electronic documents relating to CRT or CRT Products.

5 **RESPONSE TO REQUEST NO. 4 [SIC] REQUEST NO. 50:**

6 Responding Party reasserts and incorporates each of the General Objections and  
7 Objections to Definitions and Instructions set forth above.

8 Responding Party objects to this request on the grounds that it is overly broad, unduly  
9 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence  
10 including to the extent that it seeks the discovery of documents regarding Responding Party's  
11 sales outside of the United States and unrelated to United States commerce, as such sales are  
12 beyond the scope of this litigation and thereby render the Document Requests overly broad,  
13 unduly burdensome, and not reasonably calculated to lead to the discovery of admissible  
14 evidence.

15 Responding Party objects to this request on the grounds that it seeks production of  
16 documents protected by the attorney-client privilege, work product doctrine, joint defense or  
17 common interest privilege, or by any other applicable doctrine or privilege.

18 Responding Party objects to this request on the grounds it seeks information and/or  
19 documents that would disclose confidential information protected by any and all rights of privacy  
20 under the United States Constitution or any other applicable law, or that is otherwise prohibited  
21 from disclosure because to do so would cause Responding Party to violate legal and/or  
22 contractual obligations to any other persons or entities.

23 Responding Party objects to this request on the grounds that, to the extent it seeks  
24 documents regarding "CRT Products," as distinguished from "CRTs," this request is vague and  
25 ambiguous, overly broad and unduly burdensome, and purports to call for information that is not  
26 relevant to the claim or defense of any party, not relevant to the subject matter involved in this  
27 action, and not reasonably calculated to lead to the discovery of admissible evidence.

28 Responding Party objects that the "Relevant Time Period" is overly broad and not

1 relevant, rendering the request not reasonably calculated to lead to the discovery of admissible  
 2 evidence, including, but not limited to, the fact that the Complaint does not allege a continuing  
 3 conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request  
 4 purports to seek documents beyond the statute of limitations.

5 Responding Party objects to this request on the grounds that, to the extent it seeks  
 6 documents not related to "CRT Products" only, this request is overly broad and unduly  
 7 burdensome and purports to call for information that is not relevant to the claim or defense of any  
 8 party, not relevant to the subject matter involved in this action, and not reasonably calculated to  
 9 lead to the discovery of admissible evidence.

10 Responding Party objects that this request is duplicative of Request No. 2 of Plaintiffs'  
 11 Second Set of Requests for Production of Documents.

12 Responding Party objects to the extent this request seeks documents that are no longer  
 13 active or readily accessible in electronic form which renders this request overly broad and unduly  
 14 burdensome.

15 Responding Party objects on the grounds that, to the extent this request seeks documents  
 16 related to "CRTs," this request is overly broad, unduly burdensome, and purports to call for  
 17 information that is not relevant to the claim or defense of any party, not relevant to the subject  
 18 matter involved in this action, and not reasonably calculated to lead to the discovery of admissible  
 19 evidence. The Complaint alleges Plaintiffs purport to bring this action "on behalf of individuals  
 20 and entities that indirectly purchased Cathode Ray Tube Products." (Complaint, ¶ 1).

21 Responding Party objects on the grounds that, to the extent Responding Party produces  
 22 documents responsive to this request to Direct Purchaser Plaintiffs, such documents will not be  
 23 produced again.

24 Responding Party objects that, to the extent documents responsive to this request were  
 25 previously produced, they will not be produced again.

26 Subject to and without waiving the general and specific objections stated above,  
 27 Responding Party responds that it undertook a reasonable, not unduly burdensome search and did  
 28 not identify any documents responsive to this request.

**REQUEST NO. 5 [SIC] REQUEST NO. 51:**

Documents and electronic data sufficient to identify or set forth your annual, monthly and quarterly sales of CRT or CRT Products in the United States from January 1, 1991 through the present.

**RESPONSE TO REQUEST NO. 5 [SIC] REQUEST NO. 51:**

Responding Party reasserts and incorporates each of the General Objections and Objections to Definitions and Instructions set forth above.

Responding Party objects to this request on the grounds that it is overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

Responding Party objects to this request on the grounds that it seeks production of documents protected by the attorney-client privilege, work product doctrine, joint defense or common interest privilege, or by any other applicable doctrine or privilege.

Responding Party objects to this request on the grounds it seeks information and/or documents that would disclose confidential information protected by any and all rights of privacy under the United States Constitution or any other applicable law, or that is otherwise prohibited from disclosure because to do so would cause Responding Party to violate legal and/or contractual obligations to any other persons or entities.

Responding Party objects to this request on the grounds that, to the extent it seeks documents regarding "CRT Products," as distinguished from "CRTs," this request is vague and ambiguous, overly broad and unduly burdensome, and purports to call for information that is not relevant to the claim or defense of any party, not relevant to the subject matter involved in this action, and not reasonably calculated to lead to the discovery of admissible evidence.

Responding Party objects that the "Relevant Time Period" is overly broad and not relevant, rendering the request not reasonably calculated to lead to the discovery of admissible evidence, including, but not limited to, the fact that the Complaint does not allege a continuing conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request purports to seek documents beyond the statute of limitations.

Responding Party objects that this request is duplicative of Request No. 5 of Plaintiffs'



1 Second Set of Requests for Production of Documents.

2 Responding Party objects on the grounds that it seeks documents not in existence or not  
3 currently in its possession, custody or control.

4 Responding Party objects to the extent this request seeks documents that are no longer  
5 active or readily accessible in electronic form which renders this request overly broad and unduly  
6 burdensome.

7 Responding Party objects on the grounds that, to the extent this request seeks documents  
8 related to "CRTs," this request overly broad, unduly burdensome, and purports to call for  
9 information that is not relevant to the claim or defense of any party, not relevant to the subject  
10 matter involved in this action, and not reasonably calculated to lead to the discovery of admissible  
11 evidence. The Complaint alleges Plaintiffs purport to bring this action "on behalf of individuals  
12 and entities that indirectly purchased Cathode Ray Tube Products." (Complaint, ¶ 1).

13 Responding Party objects on the grounds that, to the extent Responding Party produces  
14 documents responsive to this request to Direct Purchaser Plaintiffs, such documents will not be  
15 produced again.

16 Responding Party objects that, to the extent documents responsive to this request were  
17 previously produced, they will not be produced again.

18 Subject to and without waiving the general and specific objections stated above,  
19 Responding Party responds that it undertook a reasonable, not unduly burdensome search and did  
20 not identify any documents responsive to this request.

21 **REQUEST NO. 6 [SIC] REQUEST NO. 52:**

22 Documents and electronic data sufficient to identify or set forth your annual, monthly and  
23 quarterly sales of CRT or CRT Products which were resold in the United States from January 1,  
24 1991 through the present.

25 **RESPONSE TO REQUEST NO. 6 [SIC] REQUEST NO. 52:**

26 Responding Party reasserts and incorporates each of the General Objections and  
27 Objections to Definitions and Instructions set forth above.

28 Responding Party objects to this request on the grounds that it is overly broad, unduly



1 burdensome, and not reasonably calculated to lead to the discovery of admissible evidence.

2 Responding Party objects to this request on the grounds that it seeks production of  
3 documents protected by the attorney-client privilege, work product doctrine, joint defense or  
4 common interest privilege, or by any other applicable doctrine or privilege.

5 Responding Party objects to this request on the grounds that, to the extent it seeks  
6 documents regarding "CRT Products," as distinguished from "CRTs," this request is vague and  
7 ambiguous, overly broad and unduly burdensome, and purports to call for information that is not  
8 relevant to the claim or defense of any party, not relevant to the subject matter involved in this  
9 action, and not reasonably calculated to lead to the discovery of admissible evidence.

10 Responding Party objects that the "Relevant Time Period" is overly broad and not  
11 relevant, rendering the request not reasonably calculated to lead to the discovery of admissible  
12 evidence, including, but not limited to, the fact that the Complaint does not allege a continuing  
13 conspiracy, the outer limit of the alleged class period is November 25, 2007, and this request  
14 purports to seek documents beyond the statute of limitations.

15 Responding Party objects that the phrase "resold in the United States" calls for a legal  
16 conclusion and is vague, ambiguous, and unintelligible.

17 Responding Party objects on the grounds that it seeks documents not in existence or not  
18 currently in its possession, custody or control.

19 Responding Party objects to the extent this request seeks documents that are no longer  
20 active or readily accessible in electronic form which renders this request overly broad and unduly  
21 burdensome.

22 Responding Party objects on the grounds that, to the extent this request seeks documents  
23 related to "CRTs," this request overly broad, unduly burdensome, and purports to call for  
24 information that is not relevant to the claim or defense of any party, not relevant to the subject  
25 matter involved in this action, and not reasonably calculated to lead to the discovery of admissible  
26 evidence. The Complaint alleges Plaintiffs purport to bring this action "on behalf of individuals  
27 and entities that indirectly purchased Cathode Ray Tube Products." (Complaint, ¶ 1).

28 Responding Party objects on the grounds that, to the extent Responding Party produces

1 documents responsive to this request to Direct Purchaser Plaintiffs, such documents will not be  
2 produced again.

3 Subject to and without waiving the general and specific objections stated above,  
4 Responding Party responds that it undertook a reasonable, not unduly burdensome search and did  
5 not identify any documents responsive to this request.

6  
7 Dated: June 28, 2010

MORGAN, LEWIS & BOCKIUS LLP

8  
9 By

  
Diane L. Webb

Attorneys for Hitachi America, Ltd.